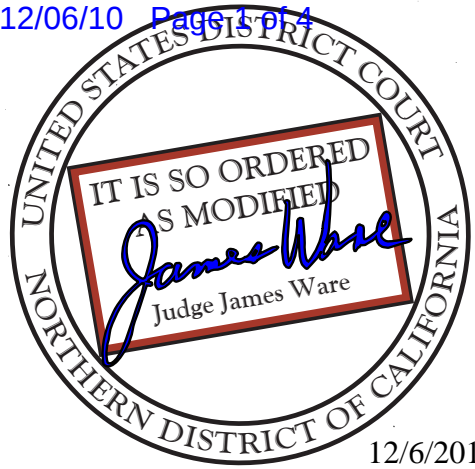


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANITA HUNTER, et al.

Plaintiffs,

vs.

CITIBANK, N.A., et al.

Defendants

Case No.: 09-cv-02079 JW

Assigned to Hon. James Ware

**STIPULATION AND [PROPOSED]
 ORDER EXCUSING DEFENDANTS
 JORDEN BURT AND RICHARD
 SIMRING FROM DISCOVERY AND
 OTHER DEADLINES AND VACATING
 HEARING DATE ON MOTION TO
 DISMISS**

Related to Case No.: 5:09-md-02028 JW

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel, that the parties have reached a settlement for the payment of \$3.4 million by Defendants (subject to Court approval) and are preparing a settlement agreement. As such, Defendants Jorden Burt and Richard Simring are: 1) excused from compliance with any case deadlines including those set forth in the Revised Stipulation and Order Re: Case Schedule (Docket No. 317); 2) Plaintiffs are not required to respond to the Motion to Dismiss filed by Jorden Burt (Docket No. 408) and the Motion hearing which was set for January 21, 2010 is now off calendar; and 3) Jorden Burt and Richard Simring are not required to participate in further discovery unless ordered by the Court, with the exception of the deposition of Richard Simring to be held on a future date(s) as agreed to by the parties. A settlement agreement will

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1 be presented to the Court for approval upon execution. A Proposed Order is attached.

2 Dated: December 1, 2010

HOLLISTER & BRACE

3
4 By: /s/ Michael P. Denver

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Attorneys for Plaintiff Quirk Infiniti and the Class

8 Dated: December 1, 2010

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10 By: /s/ Lawrence Kellogg

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20 Dated: December 1, 2010

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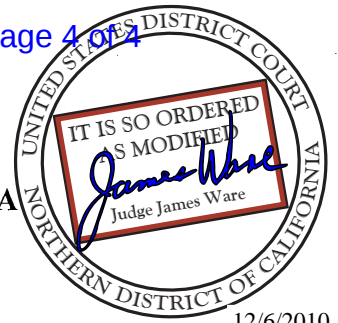
1 I, Michael P. Denver am the ECF User whose ID and password are being used to file this
2 **STIPULATION AND PROPOSED ORDER EXCUSING DEFENDANTS JORDEN BURT**
3 **AND RICHARD SIMRING FROM DISCOVERY AND OTHER DEADLINES AND**
4 **VACATING HEARING DATE ON MOTION TO DISMISS.**

5 In compliance with General Order 45, X.B., I hereby attest that the counsel whose e-
6 signature appears on the foregoing signature pages has concurred in this filing.

7
8 /s/

9 Michael P. Denver
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION



ANITA HUNTER, et al.

Case No.: 09-cv-02079 JW

Plaintiffs,

Assigned to Hon. James Ware

vs.

CITIBANK, N.A., et al.

**[PROPOSED] ORDER EXCUSING
DEFENDANTS JORDEN BURT AND
RICHARD SIMRING FROM
DISCOVERY AND OTHER
DEADLINES**

Defendants

Related to Case No.: 5:09-md-02028 JW

The Court, after considering the Stipulation Excusing Defendants Jordan Burt and Richard Simring from discovery and other deadlines, hereby ORDERS that Defendants Jordan Burt and Richard Simring are hereby excused from answering discovery or complying with other deadlines in the above-captioned cases, with the exception of the deposition of Richard Simring to be held on a future date(s) as agreed to by the parties.

IT IS FURTHER ORDERED Jordan Burt's Motion to Dismiss is deemed as withdrawn. The Clerk shall terminate Docket Item No. 408.

IT IS SO ORDERED.

Dated: December 6, 2010


HON. JAMES WARE